

554.14105 Control of controllable electronic record.

1. *General rule — control of controllable electronic record.* A person has control of a controllable electronic record if:

a. the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded gives the person:

- (1) the power to avail itself of substantially all the benefit from the electronic record; and
- (2) exclusive power, subject to [subsection 2](#), to:

(a) prevent others from availing themselves of substantially all the benefit from the electronic record; and

(b) transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

b. the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in paragraph “a”.

2. *Control through another person.* A person has control of a controllable electronic record if another person, other than the transferor of an interest in the electronic record:

a. has control of the electronic record and acknowledges that it has control on behalf of the person, or

b. obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

3. *Meaning of exclusive.* A power specified in [subsection 1](#), paragraph “a”, subparagraph (2), is exclusive, even if:

a. the controllable electronic record or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

b. the person has agreed to share the power with another person.

[2022 Acts, ch 1117, §5](#)

Referred to in [§554.9102](#), [554.9107A](#), [554.9208](#), [554.14102](#)

NEW section